

JOINT DECLARATION: REVISED SUPPLEMENTARY BRIEFING LINES

1. Key supplementary points (General)

- The Declaration is a sensible text which, in setting out a framework for peace, stability and reconciliation, fully addresses the concerns of both sides of the community in Northern Ireland, and safeguards their vital interests.
- The Declaration fully complements and underpins the Talks process addressing all the key relationships and involving the main constitutional political parties in Northern Ireland as well as the two Governments.
- The text is the sole responsibility of the two Governments.
- It is not the outcome of the Hume/Adams dialogue. In Brussels on 29 October, the Prime Minister and the Taoiseach acknowledged John Hume's courageous and imaginative efforts, but agreed that any peace initiative could be taken only by the two Governments.
- Do not know whether this Declaration will produce peace. But the Provisional Movement has been urging the two Governments to make a Joint Declaration. If Mr Adams wants his claims that he is serious about peace to have any credibility, he knows what to do.
- The Provisionals have presented themselves as interested in securing peace. Yet they have failed to deliver an end to violence. They should do so now. So should the Loyalists.

- The Declaration makes clear the Taoiseach's acceptance that it would be wrong to attempt to impose a united Ireland in the absence of the freely given consent of the majority of the people of Northern Ireland.
- It reiterates Northern Ireland's statutory constitutional guarantee.
- It also reaffirms that the concern of the British Government is to uphold the democratic wish of ["a greater number of"] the people of Northern Ireland.
- The Taoiseach confirms in the Declaration that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

2. Taoiseach/Irish Government concede that:

- (Paragraph 2) British Government must adhere to Northern Ireland's statutory constitutional guarantee. (This provides that Northern Ireland will not cease to be part of the United Kingdom while that is the wish of a majority of its people.)
- (Paragraph 5) it would be wrong to attempt to impose a united Ireland in the absence of freely given consent of a majority of the people of Northern Ireland.
- (Paragraph 5) the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland.

(Paragraph 6) they will examine any elements in the democratic life and organisation of the Irish state which can be represented as a real and substantial threat to the way of life and ethos of any particular tradition - eg the Unionist tradition.

- They will similarly examine (paragraph 6) anything in the Republic which can be represented as not fully consistent with a modern and pluralist society.

- (Paragraph 7) the genuine feelings of all traditions in Northern Ireland, including Unionist attitudes towards the rest of Ireland, must be recognised and acknowledged.

- Paragraph 8 to British Government's role to 'encourage, facilitate and enable the achievement of agreement over a period' does not mean that we are committed to a united Ireland in the absence of consent in Northern Ireland. We simply undertake to encourage an overall accommodation based on full respect for the rights and identities of both traditions in Northern Ireland. No particular outcome and no timetables stipulated.

- Our recognition that such agreement may take the form of agreed structures does not imply a united Ireland. Such structures could, for instance, comprise new North/South institutions arrived at as part of an overall talks settlement and designed to increase co-operation and working together between Northern Ireland and the Republic without involving any derogation from sovereignty. Some such structures already exist eg Foyle Fisheries Commission).

(Paragraph 7) presence in Constitution of Irish Republic of elements which are deeply resented by Unionists.

- (paragraph 7) that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

3. HMG acknowledge (and points to note on our side):

- Reference to British Government's having "no selfish strategic or economic interest in Northern Ireland" is set in context. It simply reiterates what the Government has consistently said since Mr Brooke's Whitbread speech of 1990 (paragraph 4).
- Reference (paragraph 4) to British Government's role to 'encourage, facilitate and enable the achievement of agreement over a period' does not mean that we are committed to a united Ireland in the absence of consent in Northern Ireland. We simply undertake to encourage an overall accommodation based on full respect for the rights and identities of both traditions in Northern Ireland. No particular outcome and no timescale stipulated.
- Our recognition that such agreement may take the form of agreed structures again need not imply a united Ireland. (Such structures could, for instance, comprise new North/South institutions arrived at as part of an overall Talks settlement and designed to increase co-operation and working together between Northern Ireland and the Republic without involving any derogation from sovereignty. Some such structures already exist eg Foyle Fisheries Commission).

Paragraph 4 also acknowledges a form of 'Irish self-determination', although qualified in such a way that its exercise must clearly be subject to the consent of the people of Northern Ireland. It says "the British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish". That and related references in the Joint Declaration clearly imply two separate acts of determination, North and South, and that Northern Ireland could not be forced into a united Ireland against the wishes of a majority of its people. Indeed, in paragraph 5, the Taoiseach concedes that it would be wrong to attempt to impose a united Ireland in the absence of the freely given consent of the majority of the people of Northern Ireland. (On Sky News on 8 December he said "It is not a position where you count self-determination in an all-Ireland context as one unit.")

The British Government reaffirms (paragraph 4) "as a binding obligation" that it will legislate for a united Ireland, or any measure of agreement on future relationships in Ireland, which may be arrived at through the exercise of the principle of self-determination as qualified in the Declaration. So far as a united Ireland is concerned, this does not go beyond the existing commitment to legislate in the event of a majority preference in Northern Ireland for a united Ireland which is currently contained in Article 1(c) of the Anglo-Irish Agreement. The other part of the formulation is consistent with the British Government playing its part in implementing an overall accommodation resulting from the Talks process.

- Although it is not in the text of the Joint Declaration, the British Government is on the record, in its message of 5 November to PIRA, that it would be "prepared to enter preliminary exploratory dialogue with Sinn Fein within three months" after a permanent cessation of IRA violence had been announced and established.

4. What the Joint Declaration does not do:

The Joint Declaration does not:

- assert the value of achieving a united Ireland nor assert the legitimacy of a united Ireland in the absence of majority consent
- commit the British Government to joining the ranks of the persuaders for a united Ireland
- set any timescale for a united Ireland to come about nor indicate that this is even probable
- commit the people of Northern Ireland to joining a united Ireland against their democratic wishes
- establish arrangements for the exercise of joint authority between the British and Irish Governments over Northern Ireland
- derogate in any way from UK sovereignty over Northern Ireland, nor diminish the constitutional guarantee
- contain any reference or implicit commitment to the withdrawal of British troops from Northern Ireland

give Sinn Fein any immediate place at the Talks table

- sideline the valuable round of meetings with the Northern Ireland parties being undertaken by Michael Ancram. On the contrary, it speaks of transforming the prospects for building on the progress already made.

The Taoiseach will be accompanied by the Tánaiste and by Mr. George Quinn. Eleven Irish officials are said to be coming. You will have Dr. Patrick Mayhew and officials.

You and the Taoiseach may wish to spend a few minutes in entirely private conversation.

Further to that, NIO and FCO recommended that we discuss the following subjects:

1. FIRA

- Prospects for a cessation of violence.
- Indications of the current mood in FIRA.
- Likelihood of an early political response by Gerry Adams to the Joint Declaration? Might he set out his own separate conditions for a cessation of violence?
- Do we expect a delay before FIRA respond, while they consult internally?
- What if a split in FIRA? How would we respond to that?